

EXHIBIT F

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

ERIC NAKAGAWA, DIRECTOR,
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

Requesting an Amendment to State Land Use Commission Special Permit No. SP 97-390 and County of Maui Special Use Permit No. CUP 2008/0003 to include an approximately 40-acre project area (TMK (2) 3-8-003:019 (por.)) located at 8100 Pūlehu Road in Pu'unēnē, Maui, Hawaii for development of the Central Maui Landfill Facilities Project involving an office, Abandoned Vehicle Area, Metal Processing Area, Open Construction and Demolition Material Recovery Area, Household Hazardous Waste and Electronic Waste Processing and Storage Area, Warehouse Building and Storage Area, Refuse Collection Office, Truck Parking and Maintenance Area, Drainage Basins, and Associated Infrastructure. The amendment request also includes a time extension for SP 97-390 and removal of TMK (2) 3-8-003:020 (por.) from both SP 97-390 and CUP 2008/0003. Total amended permitted area covered by both permits will be approximately 96 Acres.

DOCKET NO. SP 97-390 and
CUP 2008/0003
(SUP1 1996/0004)

Eric Nakagawa, Director,
Department Of Environmental
Management

(KFW)

DEPARTMENT OF PLANNING
REPORT AND RECOMMENDATION
DECEMBER 10, 2019 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

- 1 -

State Land Use Commission Special Permit and County Special Use Permit

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DESCRIPTION OF THE PROJECT

The County of Maui Department of Environmental Management (DEM) is proposing to improve its facilities at the Central Maui Landfill (CML) on an approximately 40-acre portion of a larger approximately 180-acre County-owned parcel identified as Tax Map Key (TMK) No. (2) 3-8-003:019 (por.) (Parcel 19), located at 8100 Pūlehu Road in Pu'unēnē. The proposed facilities will be located on the north side of Pūlehu Road between Kahului and Kula. The project site was formerly used for sugar cane cultivation and is currently vacant. See **Exhibit 1**.

The project site is bounded by agricultural lands previously owned by Alexander & Baldwin (A&B) and formerly cultivated by Hawaiian Commercial and Sugar Company (HC&S). HC&S ceased its sugar cane cultivation operations at the end of 2016. Northeast of the project site is HC&D, LLC's

quarry operation. Also, nearby and across Pūlehu Road is the future Waena Generation Facility for Maui Electric Company, Ltd. (MECO). Refer to **Exhibit 1**.

The DEM currently operates the CML on a portion of Parcel 19. The landfill has been in operation since 1987 through State Land Use Commission (SLUC) Special Permit Nos. SP 86-359 (55 acres) and SP 97-390 (70.5 acres) encompassing approximately 125.5 acres. The proposed project will increase the area used by the CML (under both permits) by approximately 20 percent (to 150.659 acres).

The DEM proposes an approximately 40-acre expansion to increase the County's integrated solid waste management and recycling/diversion facilities on the CML property, which will serve to reduce the amount of waste entering the landfill. See **Exhibit 2**. The proposed facilities will include the following:

1. Office (See **Exhibit 3**)
2. Abandoned Vehicles Area
3. Metals Processing Area (See **Exhibit 4**)
4. Open Construction and Demolition Material Recovery Area
5. Household Hazardous Waste and Electronic Waste Collection and Storage Area (See **Exhibit 5**)
6. Warehouse Building and Storage Area (See **Exhibit 6**)
7. Refuse collection office, truck parking, and maintenance area (See **Exhibit 7**)
8. Drainage basins
9. Associated infrastructure

The above-referenced facilities are further described below:

Abandoned Vehicles Area

This area will function as a storage area to accommodate abandoned vehicles for the holding period required by law. Periodically, the program will conduct public auctions to put the vehicles back into circulation and minimize the tonnage disposed as scrap. Vehicles not purchased will be recycled either through a third party scrap metal processor or through the adjacent Metals Processing Area.

Metals Processing Area

The Metals Processing Area may take the unsold abandoned vehicles and process them as scrap metal, while also processing other scrap metals, such as white goods and scrap recovered at the adjacent Construction and Demolition (C&D) Material Recovery Area. Refer to **Exhibit 4**.

Open Construction and Demolition Material Recovery Area

This area will receive, process, and store recyclable materials from C&D wastes. Heavy equipment may be used to separate bulky materials. Conveyor belts and mechanical screens can be used for further sorting. Large items such as concrete and asphalt may be stockpiled and processed for re-use.

Metals recovered may be recycled either through a third party scrap metal processor or through the adjacent Metals Processing Area. Wood, unpainted and untreated, as well as green waste may be directed to a composting facility for further processing. Recovered soils may be utilized as landfill cover; inerts may be used for internal landfill roadways.

Household Hazardous Waste and Electronic Waste Collection and Storage Area

This area will accommodate the receipt, management, storage, and outgoing transportation of household hazardous waste and electronic waste collected from County residents. The enclosed structure will be used to collect household hazardous waste and electronic waste, categorize it for temporary storage, and package it for transport to appropriate offsite or off-island recycling/re-use facilities or disposal sites. (Refer to **Exhibit 5**)

Future of Maui EKO Systems, Inc. Operations

Maui EKO Systems currently operates at the CML. Their contract will conclude on March 31, 2020; after which time the area where EKO operates will become a landfill cell, to be built out in halves. The plan moving forward from 2020 is to mix greenwaste and biosolids and put this material in the landfill. The County is working on acquiring 63 additional acres north of the 40-acre expansion site for greenwaste/biosolid processing perhaps with anaerobic digestion from which power could be generated.

LAND USE ENTITLEMENTS

The CML is located within the State "Agricultural" District and was established by SLUC Special Permits (SPs). A chronology of SPs granted for the CML is identified in **Table 1**.

Table 1. Chronology of State Special Permits for Central Maui Landfill

	Decision and Order (D&O) Date	Permit #	SLUC Motion Date	Area	Description
SP 86-359	1986, July 21	SP 86-359	1986, May 14	55 acres	TMK (2) 3-8-003:18, 19 and 04 (por.) Establish landfill, weigh station and access road. No time limit.
	2006, Jan 9	1 st Amendment	2005, Dec. 1	No expansion	TMK (2) 3-8-003:18, 19 and 04 (por.) Add special waste, such as biofuels and greenwaste composting (Phase III) on 10 acres of the 55 acres on Parcel 19.
SP 97-390	1997, July 21	SP 97-390	1997, June 26 and July 17	29.340 acres	TMK (2) 3-8-003:04 (por.) Expansion of landfill. Permit valid for 10 years.
	2002, May 13	1 st Amendment	2002, March 21	No expansion of area	TMK (2) 3-8-003:25 and 04 (por.) Add new entrance facility and

	Decision and Order (D&O) Date	Permit #	SLUC Motion Date	Area	Description
					related improvements on 5.3 acres of SP area. Permit valid until July 21, 2007.
	2004, Dec. 14	2 nd Amendment	2004, Nov. 5	Minor expansion of area	TMK (2) 3-9-003:04 (por.) and 25. Site plan modification with addition of 1.395-acre access road, and time extension to initiate construction.
	2009, Mar 23	3 rd Amendment	2009, Feb. 19	41.2 acres expansion (70.5 acres total)	TMK (2) 3-8-003:04 (por.), 20 (por.) and 21 (por.). Expansion of landfill, add composting and quarrying related uses, transfer of permit, and time extension. Permit valid until October 31, 2018.

State Special Permit No. SP 86-359

SP 86-359 granted by the SLUC on May 14, 1986, established the CML on approximately 55 acres consisting of a sanitary landfill, weigh station, and access road on TMK (2) 3-8-003:18, 19 and 04 (por.). This first permit did not include any time limits. SP 86-359 was amended on December 1, 2005, to include collection of special waste into marketable materials, such as biodiesel and compost on ten acres of the 55 acres of Parcel 19.

Special Permit No. SP 97-390

In 1997, the SLUC granted approval of SP 97-390 for a 29.340-acre expansion to the landfill on a portion of Parcel 4 and to operate the landfill on the site. This permit was valid for ten years from the date of issuance of the D&O on July 21, 1997, or until July 21, 2007. A first amendment to SP 97-390 was granted by the SLUC on March 21, 2002, to construct and operate a new entrance facility and related improvements on 5.3 acres of the SP area.

On November 5, 2004, the SLUC granted approval of a second amendment to SP 97-390 for an addition to the landfill site plan of approximately 1.395 acres and time extension to initiate construction. In 2008, the DEM filed the third request for amendment requesting a ten year time extension, expanding the landfill site by 41.2 acres and transferring the permit from the Department of Public Works (DPW) to DEM. The SLUC granted the amendment and extended the time limit ten years or until October 31, 2018. See **Exhibit 8**. The third amendment included Tax Map Key (2)3-8-003:020 (por.), and 021 (por.). A condition of approval requires submittal of annual reports. The last annual report was filed in 2019. Also, as requested by SLUC staff, an updated aerial photo map identifying the boundaries of SP 97-390 was submitted in August 2018. See **Exhibit 9** for aerial map.

In 2008, the DEM also submitted a County Special Use Permit (CUP) application for 70.5 acres within the County Agricultural District. The CUP was required in order to meet amendments to the

Maui County Code affecting the County Agricultural District. Since issuance of SP 97-390, the County Agricultural District zoning was amended to require a CUP for special uses requiring a State SP for parcels over 15 acres. On October 28, 2008, the Maui Planning Commission (MPC) granted the CUP for the landfill involving 70.5 acres on TMK (2) 3-8-003:04 (por.), 20 (por.) and 25 (por.). CUP 2008/0003 is valid until October 28, 2028. See **Exhibit 10**.

It is noted that in response to comments received from the SLUC during review of the Environmental Assessment (EA), the area permitted by SP 97-390 and CUP 2008/0003 was surveyed to allow metes and bounds descriptions to be prepared for the permitted area including the proposed CML Facilities Project. The survey showed the current permitted area, without the CML Facilities Project area included in the area, to be 72.927 acres (vs. 70.5 acres as reflected in the permits), a difference of approximately three percent. The principal reason for the approximately 2.4-acre difference in area of the special permits (70.5 acres vs. 72.927 acres) is primarily due to the different methodologies used to measure the respective areas. Since metes and bounds descriptions were not required by SLUC for the past special permit applications (or subsequent amendments) defining the limits of the permit, it is assumed that the area of limits were planimetered at the time of application preparation and the area estimated to obtain the 70.5-acre figure. Subsequently, with the currently proposed permit amendments for the proposed CML Facilities Project, metes and bounds calculations of the computed limits of the permit area are now required by SLUC. To that end, based on the recent survey, the existing permitted area was accurately surveyed and computed at 72.927 acres. The survey was prepared in accordance with generally accepted survey practice standards in the State of Hawai'i and was stamped and signed by a Hawai'i Licensed Land Surveyor. See **Exhibit 11**.

Further, in 2011, the various TMK parcels of the CML were consolidated and resubdivided (to include the project site) into a single parcel, which is approximately 180 acres and is now identified as TMK (2) 3-8-003:019. However, the subdivision excluded 19.66 acres of TMK (2) 3-8-003:004 (por.), which was no longer under the DEM's control but was originally included in the CML expansion that was approved in 2008. The excluded area (19.66 acres) is currently identified as TMK (2) 3-8-003:020 and, as a housekeeping measure, the DEM is requesting deletion of the applicable portion of this parcel (16.841 acres) from SP 97-390, and from CUP 2008/0003. This deletion is requested as Parcel 20 is not owned by the County of Maui and is not part of the CML. The County does not have any future plans to incorporate this parcel as part of solid waste management operations at the CML.

Following consultation with the SLUC and Department of Planning staff, it was determined that the proposed CML Facilities Project require amendments to SP 97-390 and CUP2008/0003 to expand the respective boundaries of these two permits. The amendments to these permits will increase the permitted land area covered by these permits to include the proposed CML Facilities Project and its uses (39.573 acres) and to adjust the acreage of the existing permitted area (from 72.927 acres to 56.086 acres) to reflect the recently completed survey and the removal of the applicable portion (16.841 acres) of Parcel 20. Following the requested amendments to SP 97-390 and CUP 2008/0003, the total permitted area encompassed by these permits will be 95.659 acres (56.086 acres + 39.573 acres) as documented by the survey, and, accompanying metes and bounds descriptions presented in **Exhibit 11**. The request to amend SP 97-390 also includes a time extension beyond the current deadline to October 28, 2028. The SP amendment will require approval of the SLUC and the CUP amendment will require approval of the MPC.

Hawaiian hoary bat: Woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15). Additionally, barbed wire should not be used for fencing as part of the proposed action.

Blackburn's sphinx moth: A qualified biologist should survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to initiation during the wettest portion of the year (usually November to April or several weeks after a significant rain) and immediately prior to construction. Any host plants with eggs, larvae and signs of larvae feeding should not be cut or disturbed.

Hawaiian waterbirds and Hawaiian goose: To minimize adverse impacts such as predation and reduced reproductive success, the project should occur outside of the Hawaiian stilt breeding season (February through August). If the breeding period cannot be avoided, consultation with USFWS is recommended to develop measures to avoid impacts to listed species.

In consideration of the foregoing, the Department of Planning recommends the Maui Planning Commission authorize the Director of Planning to transmit its recommendation and record for SP 97-390 to the State Land Use Commission and approve amendments to County Special Use Permit CUP 2008/0003 with conditions and adopt the Department of Planning's Report and Recommendation prepared for the December 10, 2019, meeting as its Findings of Fact, Conclusions of Law and Decision and Order and to authorize the Director of Planning to transmit copies of its action to the Applicant.

APPROVED:



MICHELE MCLEAN, AICP
Director of Planning